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UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHLO/AMEMBASSY LONDON IMMEDIATE 8092
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C O N F I D E N T I A L SECTION 01 OF 07 STATE 065834

SIPDIS
EMBASSY BAGHDAD FOR ECONOFF KEVIN ROLAND
PASS TO MNF-I/STRATOPS
PASS TO MNF-I/DCSINT

E.O. 12958: DECL: 06/17/2018

TAGS: ETTC EFIN PREL PTER IZ RU UK

SUBJECT: DEMARCHE REQUEST: CONTINUE ENGAGING GOI ON DRAFT
UNSCR FOR TERRORIST FINANCING IN IRAQ

REF: A. A. BAGHDAD 1513
¶B. B. SECSTATE 49806

Classified By: IO PDAS James B. Warlick for Reasons 1.4(b) and (d).

¶1. (U) This is an action request. See paragraphs 3 and 6.

¶2. (C) Per Ref A, on May 15, Embassy Baghdad shared with the GOI the draft text of a UNSC resolution (Ref B), which imposes targeted sanctions on individuals or entities that engage in or provide support for acts of violence that threaten Iraq's peace and security. GOI edits to the preambular paragraphs and the first operative paragraph were subsequently shared with Embassy Baghdad.

¶3. (C) Post is now requested to pursue the following objectives with the GOI:

-- Share with the GOI the USG edits and comments to the amendments proposed by the GOI.

-- Solicit GOI feedback on the remaining operative paragraphs of the draft resolution.

-- Encourage the GOI to solicit Russian support for this resolution as soon as the GOI has a draft text and target list to share. The GOI should discuss with Russia strategy and a timeline for securing the support of other key Member States - particularly the P-5 - for this resolution.

-- Urge the GOI to decide on a list of sanctions designees that will be attached to the resolution as an annex, working from the draft annex in paragraph 6. Once a list is finalized, it should also be included in the reporting cable, to be drafted by Embassy Baghdad as a response to this demarche cable.

¶4. (U) Post should report by June 25 the results of its efforts. Please contact IO/UNP Bridget Lines at LinesBM@state.sgov.gov or 202-647-7142 for additional information.

¶5. (C) The following text represents the draft resolution, with GOI edits underlined. Subsequent USG edits are in brackets, and comments from the USG are provided as well.

¶6. (C) Begin text of resolution:

The Security Council

Recalling all of its previous resolutions on Iraq,

Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq, and the (delete: full) right

of the Iraqi people (freely) to (determine) (delete: decide) their (own) political future, and control their (own) natural resources, and reaffirming (further) the importance of (delete: adhering to) the principle of non-interference in the internal affairs of Iraq,

(Comment: Modified to replicate the language in preamble of UNSCR 1790, keeping in mind that such language likely will be easier to agree upon in the UNSC, since it has been used previously. End comment.)

Welcoming the efforts of the democratically elected, constitutionally based, national unity Government of Iraq in fulfilling its detailed political, economic, and security programme and national reconciliation agenda, (delete: and looking forward to the day Iraqi forces assume full responsibility for the maintenance of security and stability in their country, thus allowing the completion of the multinational force mandate and the end of its presence in Iraq,)

(Comment: The language in this paragraph, which is found in the preamble to UNSCR 1790, is not entirely relevant to this resolution. End comment.)

(Delete: Referring that the 3rd Expanded Meeting of the Neighboring Countries was held in Kuwait on 22 of April 2008,

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has applauded the continuous effort by the Iraqi government to confront those who foment violence throughout Iraq: commend the role of the Iraqi armed and security forces in confronting and deterring the recent threats posed by armed groups; and welcome the Government's commitments to disarm and dismantle all militias and extra-governmental armed groups, enforcing the rule of law, and ensuring the state's monopoly on armed forces,)

(Demanding those who use violence in an attempt to subvert the political process should lay down their arms and participate in the political process, and encouraging the Government of Iraq to continue to engage with all those who renounce violence,)

(Comment: Delete paragraph that begins with "Referring that the..." and move up the above paragraph to replace it. The deleted paragraph contained controversial language, which had not been used in previous resolutions. Also, its reference to "unlawful armed groups" is in tension with OP1 and OP2, which do not name specific groups as the targets of the resolution. Such a reference would make unclear whether "unlawful armed groups" would be considered as an additional category of targets. End comment.)

Expressing its deep concern about the role of individuals and entities in supporting the acts of (delete: terrorism and the armed) violence fueling the Iraqi insurgency, some of whom are facilitating violent destabilization efforts from outside of Iraq, which undermines efforts to promote economic reconstruction and political reform in Iraq,

(Comment: A reference to acts of violence would encompass acts of terrorism. End comment.)

(Calling upon) (delete: Referring to the reconfirmation of) the international community (particularly countries in the region and Iraq's neighbors) (delete: Iraqi neighboring countries) to (support the Iraqi people in their pursuit of (delete: promote) peace, stability, (delete: and) security (democracy, and prosperity) in Iraq which (will contribute to) (delete: shall reflect positively on) the security and stability of the region (delete: and the interests of its people) and the international community as a whole, (welcoming the 3rd Expanded Neighbours Conference, which was held in Kuwait on 22 of April 2008 and which applauded the ongoing efforts of the Iraqi government to confront those who

foment violence throughout Iraq,) and noting that the successful implementation of this resolution will contribute to regional stability,

(Comment: Revised the language to track with the preamble of UNSCR 1790 and combined with the slightly revised language on the Neighbors Conference. End comment.)

Expressing its deep concern about (delete: the blunt) violation(s) of international humanitarian law (delete: and human rights) committed by the terrorists and insurgen(ts), and those individuals and entities who assist them(,) in targeting (civilians, including...) (delete: the civilian communities and educational and services facilities and killing Iraqi scientists and prophesiers,)

(Comment: The reference to terrorists and insurgents violating human rights was deleted because the USG generally takes the position that non-state actors cannot commit human rights violations. In addition, the rationale behind singling out particular segments of the civilian population was unclear. While this is not objectionable in principle, the GOI should be able to explain its reasoning behind the inclusion of certain groups. End comment.)

Reaffirming that acts of terrorism must not be allowed to disrupt Iraq's political and economic transition, and further reaffirming the obligations of Member States under resolution 1618 (2005) and other relevant resolutions and (recalling) international conventions with respect, inter alia, to terrorist activities in and from Iraq or against its citizens,

(Comment: Suggest that "recalling" international conventions would be more appropriate than "reaffirming," since the UNSC has no role in the adoption of or accession to international conventions. End comment.)

Recognizing that international support for security and

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stability is essential to the well-being of the people of Iraq as well as the ability of all concerned, including the United Nations, to carry out their work on behalf of the people of Iraq, and expressing appreciation for Member State contributions in this regard under resolution 1483 (2003), resolution 1511 (2003), resolution 1546 (2004), resolution 1637 (2005), (delete: and) resolution 1723 (2006), (and resolution 1790 (2007),)

Determining that the situation in Iraq continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

¶1. (Delete: Notes that terrorists, insurgents, and those who assist the terrorism acts and armed violence irrespective of their affiliation, motivation or identity, threaten the peace and stability of the Iraqi people and undermine efforts of the Iraqi Government to promote reconstruction by committing, directing, or supporting violent attacks in Iraq, and) Demands that (those who commit, direct, or provide material support for acts of violence in Iraq, which threaten peace and stability and undermine efforts to promote economic reconstruction and political reform) (delete: insurgents lay down their arms and participate in the political process, and) cease their destabilization efforts in the interests of promoting peace, stability, economic reconstruction, and humanitarian assistance to Iraq and the Iraqi people;

(Comment:

-- References to terrorists and insurgents were deleted because the definitions of these two groups are somewhat unclear, and their inclusion might be opposed by those UNSC members who are less inclined to support another sanctions resolution, especially since the UNSC already has another

regime under which it can target AQI.

-- The reference to the peace and stability "of the Iraqi people" was deleted because this would limit the threat to an internal problem, thereby negating the Council's decision that there exists a threat to international peace and security.

-- The demand to "participate in the political process" was deleted, with the rationale that it would not be appropriate for all of the potential targets of sanctions - including terrorists and foreigners - to participate in the Iraqi political process. End comment.)

¶2. Decides that all Member States shall take the following measures with respect to individuals or entities listed in the Annex to this resolution, and to any individuals or entities designated by the Council or the Committee established pursuant to resolution 1518 (2003) ("the Committee") as engaged in or providing support for acts of violence that threaten the peace or stability of Iraq or that undermine efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people (, or as providing support to individuals or entities designated pursuant to this paragraph):

(Comment: This additional language is necessary to sanction those individuals or entities that support designees, but do not engage in or directly support acts of violence. This language may be necessary to sanction some of the names proposed in the annex. End Comment.)

(a) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige a State to refuse entry into or require departure from its territories of its own nationals;

(b) Freeze without delay the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly by these individuals or entities, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these individuals and entities;

¶3. Decides that the measures imposed in paragraph 2(a) above shall not apply where the Committee determines in advance and

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on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the resolution;

¶4. Decides that the measures imposed by paragraph 2(b) above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three working days of such

notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee;

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 2 above, and has been notified by the relevant States to the Committee;

¶15. Reaffirms the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions, as modified by paragraph 21 of resolution 1546 (2004) to exempt arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of that resolution, stresses the importance for all States to abide strictly by these prohibitions, and notes the significance of Iraq's neighbors in this regard;

¶16. Decides further that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to persons or entities designated pursuant to paragraph 2 above from their territories or by their nationals or using their flag vessels or aircraft of arms and related materiel of all types, and the provision to these persons or entities of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services related to the supply, sale, transfer, manufacture or use of such items;

(6bis. Decides that the provisions of paragraph 2 above shall also apply to individuals and entities designated by the Committee as violating measures imposed by Member States in accordance with paragraph 6 above;)

¶17. Reaffirms the mandate of the Committee as set out in paragraph 1 of resolution 1518 (2003), in particular to continue to identify individuals and entities referred to in paragraph 23 of resolution 1483 (2003), and decides further that its mandate shall also include the following tasks:

(a) to seek from all States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 2 and 6 of this resolution and whatever further information it may consider useful in this regard;

(b) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraphs 2 and 6 of this resolution;

(c) to consider and decide upon requests for exemptions set out in paragraphs 3 and 4 of this resolution;

(d) to designate additional persons and entities subject to the measures imposed by paragraphs 2 and 6 of this resolution;

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(e) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(f) to report at least every six months to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs X, Y and Z of this resolution;

¶8. Requests the Secretary-General to establish, in consultation with the Committee, for a period of (X) months, a Panel of Experts consisting of up to (X) members, with the range of expertise necessary to fulfill the mandate set out in this paragraph, to undertake the following tasks:

- (a) to assess, monitor and report on and make recommendations regarding the implementation of measures referred to in paragraphs 2, 5 and 6 above, to pursue case studies, as appropriate, and to explore in depth any other relevant issues as directed by the Committee;
- (b) to present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraphs 2, 5 and 6 above;
- (c) to consult with Member States, particularly those in the region, regarding their implementation of the measures referred to in paragraphs 2, 5 and 6 above and report to the Committee the results of such consultations, as well as specific recommendations for improved implementation of measures and possible new measures;
- (d) investigate any violations of the measures referred to in paragraphs 2, 5 and 6 above;
- (e) to report to the Council, through the Committee, no later than six months from the date of adoption of this resolution with observations and recommendations in the areas set out in subparagraphs (a) to (c) above;

¶9. (Paragraph on next steps/intent to review the situation (optional))

¶10. Decides to remain seized of the matter.

Annex

¶A. Individuals

¶11. (U) Abu Mustafa ((al-Sheibani)): Iran-based Abu Mustafa Al-Sheibani leads a network of Shia extremists that commit and provide logistical and material support for acts of violence that threaten the peace and stability of Iraq and the Government of Iraq. Al-Sheibani's network - consisting of several hundred members - conducted IED attacks against Americans in the Baghdad region. As of March 2007, Al-Sheibani, known to transport Katyusha rockets to be used for attacks against Coalition Forces, launched rockets against Americans and made videos of the attacks to get money from Iran. As of April 2007, a member of Al-Sheibani's network supervised the transport of money and explosives from Iran for eventual arrival in Baghdad. In early-May 2007, Al-Sheibani's network assisted members of a Shia militia group by transporting them to Iran for training and providing them with weapons for their activities in Iraq.

(U) In an effort to cause instability in Iraq, Al-Sheibani and his network targeted Iraqi government officials. Al-Sheibani conducted attacks against the Iraqi Police Chief of Najaf, Iraq, and the Iraqi Deputy Governor in Najaf, Iraq. Al-Sheibani's network also killed Muhammad al-Friji, a colonel in the Iraqi Ministry of Interior.

¶12. (U) Ishmail Hafiz al-Lami ((Abu Dura)): As of 2007, Iran-based Shia extremist Abu Dura and his group were actively targeting Iraqi government officials, Sunni community leaders, and anyone who cooperated with Coalition Forces. In a brazen daylight attack, Abu Dura and his group kidnapped employees from the Ministry of Higher Education in November 2006. Sunni hostages were then singled out, tortured, and killed by men under Abu Dura's control. Abu Dura was also responsible for the July 2006, kidnapping of Taysir Najih Awad al-Mashadani, a Sunni member of the Iraqi

Parliament. He also planned to kidnap Sunni Iraqi politician Adnan al-Dulaymi and planned a mortar attack against the residence of Iraqi Vice President Tariq al-Hashimi.

(U) Abu Dura also directs acts of violence against Iraqi civilians. Abu Dura uses members of a Baghdad-based Shia militia to gather information on potential targets. Abu Dura then uses this information to plan and coordinate potential kidnapping and assassination operations. In July 2006, men under Abu Dura's control routinely executed Iraqi citizens in Sadr City, Baghdad.

(U) In addition to directing acts of violence against Iraqi government officials and citizens, Abu Dura supported acts of violence against U.S. and Coalition Forces. In July 2006, men under Abu Dura's control attacked a U.S. Forces patrol in Sadr City, Baghdad. The purpose of the attack was to kidnap U.S. soldiers and use them as a tool to make U.S. Forces leave Iraq. After fleeing to Iran to avoid capture by Coalition Forces, Abu Dura continued to direct attacks in Iraq against Coalition Forces and Sunnis in Iraq during early-2007. Abu Dura maintained contact with proxies in Iraq who carried out those attacks.

¶3. (U) Ahmad Hassan ((Kaka)) al-Ubaydi: Former Iraqi Intelligence Service officer and a Baath Party official, Ahmad Hassan Kaka al-Ubaydi, is believed to be a leader of an insurgent and criminal network that is conducting attacks against Coalition Forces, the GoI, the Iraqi National Guard, the Iraqi Police, and the Iraqi people. The Central Criminal Court of Iraq issued an arrest warrant for Kaka on January 9, 2005. There is a reward of up to USD \$200,000 for information leading to his capture.

¶4. (U) Mish'an Rakin Thamin ((al-Jaburi)): Syria-based Mish'an Al-Jaburi provides financial, material, and technical support for acts of violence that threaten the peace and stability of Iraq. In February 2006, Al-Jaburi was expelled from the New Iraqi Parliament and fled Iraq to Syria for embezzling government funds and supporting Iraq-based insurgents. Al-Jaburi also owns Syria-based Al-Zawra, a television station that considers itself to be part of the fight against the U.S. In one instance, Al-Jaburi agreed to broadcast open-coded messages through patriotic songs to the Sunni terrorist group Islamic Army of Iraq. Additionally, Al-Jaburi utilized his nephew, Hasib Ismail Dandan, to provide storage sites for weapons, funds, and footage transiting in and out of Iraq.

(U) Despite being publicly critical of al-Qa'ida in Iraq (AQI), Al-Jaburi is reported to have provided financial support and services to AQI. Al-Jaburi worked with an AQI jihadist umbrella organization, the Mujahadin Shura Council, to fund Sunni extremist operations. Additionally, Al-Jaburi's television station broadcast recruitment videos for AQI's Abu Bakr Al-Sadiq Al-Salafi Battalion.

¶5. (U) Raw'a ((al-Usta)): In September 2007, al-Jaburi denied any business relationship with al-Ra'y Satellite Television Channel (please see al-Ra'y below) and indicated that it is owned by a Syrian woman named Raw'a al-Usta, according to a media report. Another media report indicated, however, that while al-Usta is the wife of al-Jaburi, this did not rule out that the real owner is al-Jaburi - who personally supervised every detail of the channel.

¶B. Entities

¶1. (U) ((Al-Zawra)) Satellite Television Channel: Syria-based Al-Zawra television station is owned and controlled by Mish'an Al-Jaburi. Publicly stating that he owns Al-Zawra and that "no one" outside his family controlled its content, Al-Jaburi privately agreed to broadcast open-coded messages through patriotic songs to the Sunni terrorist group the Islamic Army of Iraq. Al-Zawra, which has received financing from Al-Qa'ida, is also used as a venue to broadcast graphic videos of attacks against U.S. forces. Additionally,

Al-Zawra broadcast recruitment videos for AQI's Abu Bakr Al-Sadiq Al-Salafi Battalion. In November 2006, Al-Zawra's Iraq office was closed by the GoI for airing programs inciting violence.

(U) In addition to the reasons for which Al-Zawra is being designated, it is a pro-insurgency station that broadcasts graphic videos of insurgent attacks against U.S. Forces, advocates violence against Shia, and calls upon Iraqis to

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unite and take up arms against Coalition Forces.

¶2. (U) ((Al-Ra'y)) Satellite Television Channel: In September 2007, al-Jaburi denied any business relationship with al-Ra'y Satellite Television Channel and indicated that it is owned by a Syrian women named Raw'a al-Usta, according to a media report. Another media report indicated, however, that while al-Usta is the wife of al-Jaburi, this did not rule out that the real owner is al-Jaburi - who personally supervised every detail of the channel.

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